

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JOSEPH ANTHONY WALKER,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

CIVIL ACTION No. 2:04-21933-DCN

ORDER

Petitioner Joseph Anthony Walker (“Walker”) has filed A Motion Requesting A Certificate of Appealability pursuant to 28 U.S.C. § 2253(c)(2).

A certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To meet this burden an applicant must show that “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)).¹

Here, this court has previously concluded that Walker’s claims are without merit. Walker has raised no new arguments which cause the court to view the issues as debatable, conclude that the issues could have been resolved differently, or find that the issues raise questions which warrant further review. For the reasons stated in the November 3, 2005 order, this court finds that Petitioner has not made a “substantial showing of the denial of a

¹When the denial of relief is based upon procedural grounds, a certificate of appealability should issue if “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack*, 529 U.S. at 485.

constitutional right.” 28 U.S.C. § 2253.

It is therefore **ORDERED**, for the foregoing reasons, that Walker’s Motion Requesting Certificate of Appealability is hereby **DENIED**.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'D. Norton', written over a horizontal line.

DAVID C. NORTON
UNITED STATES DISTRICT JUDGE

Charleston, South Carolina
January 20, 2006